

# Exhibit Cover Page

**EXHIBIT NUMBER** 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ALLY LANDAU et al.,	:	
	:	CIVIL ACTION
<i>Plaintiffs,</i>	:	
v.	:	No. 2:24-cv-02044-GAM
THE CORPORATION OF HAVERFORD	:	
COLLEGE,	:	
<i>Defendant.</i>	:	
	:	

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**DECLARATION OF JEROME M. MARCUS**

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice in this Court.  
2. I represent all of the Plaintiffs in the above-captioned action.  
3. I make this declaration in support of Plaintiffs' Memorandum in Opposition to the Motion of Haverford College to Dismiss the Second Amended Complaint in this action.

4. The Wayback Machine, <https://web.archive.org/>, is a website that archives versions of webpages existing before the currently accessible version. The current Haverford.edu website includes a page entitled Office of the President Anti-Discrimination, Harassment and Bias Policy.

<https://www.haverford.edu/president/college-policies/anti-discrimination-harassment-and-bias-policy>. That page is attached hereto as Exhibit A.

5. The current version of that page states (emphasis added) that “The Anti-Discrimination, Harassment, and Bias Policy *is* a College-wide policy that affirms Haverford’s commitment to cultivate an environment of equity and anti-racism, anti-oppression, and anti-

bias.” A link on that page to “Policy” takes one to the policy page which Haverford’s counsel claims does not exist. A link immediately below that, entitled File a Complaint, takes one to a page entitled Haverford College Discrimination, Harassment and Bias Incident Report, which is a fillable form at the bottom of which is a live link entitled “Submit.”

**6.** I viewed each of the versions of this page available on the Wayback Machine. They are dated June 24, 2024, July 21, 2024, August 15, 2024, and November 7, 2024. Each has a link for “Policy” which links to the Policy cited in the SAC and which Haverford’s counsel claims does not exist. Screen captures of each of these pages are attached hereto as Exhibits B, C, D and E. The version of the page from the first three dates indicates that the policy “is currently in a phase of community consultation” and provided dates and times for “feedback forums” on the policy. Even so, each of those versions allowed a visitor to click on an “Incident Form”—which takes the visitor to page which can be completed so a report could be filed, with the same “Submit” live link at its bottom.

**7.** The November 7, 2024 version of the page omits any reference to the policy being in a “phase of community consultation” and omits any references to “feedback forums.” Further, this version lays out the steps of the “Bias Reporting System Process.”

**8.** The foregoing establishes that the policy invoked by the SAC was in force on June 24, 2024, on July 21, 2024, and on August 15, 2024, though also in a phase of “community consultation.” But at some time between August 15, 2024, and November 7, 2024, Haverford decided that the policy was no longer in a “phase of community consultation.”

**9.** Attached hereto as Exhibit F is a screen capture of the website of the US Campaign for the Academic and Cultural Boycott of Israel, appearing at <https://usacbi.org/about/>, to which the homepage of Professor Aougab currently provides a link.

**10.** Attached hereto as Exhibit G is the Haverford letter of October 9, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10<sup>th</sup> day of March, 2025.



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JEROME M. MARCUS